

TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 2 OPERATION AND MANAGEMENT OF PUBLIC SWIMMING POOLS

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EFFECTIVE DATE
JUNE 8, 2004

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

178 NAC 2

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TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 2 OPERATION AND MANAGEMENT OF PUBLIC SWIMMING POOLS

2-001 SCOPE AND AUTHORITY: These regulations establish standards for the operation and management of public swimming pools, including spas, wading pools, and special purpose pools. These regulations apply to all classes of pools unless there is a specific exemption. Authority for these regulations is found in Neb. Rev. Stat. §§ 71-4301 to 71-4307, known as the Swimming Pool Act.

2-001.01 Persons operating swimming pools must consult with other local and state regulatory agencies regarding pool operation. These agencies include the State Fire Marshal and local Building and Safety offices. If conflicts with other applicable state or local regulations occur, the most restrictive regulation governs.

2-001.02 Persons designing swimming pools must comply with 178 NAC 4, Public Swimming Pool Design and Construction Standards. Under 178 NAC 4, plans, specifications, and data must be submitted to the Department before the start of construction or installation of any swimming pool or any addition to a swimming pool. Construction or installation may begin only after the Department issues a construction permit.

2-002 DEFINITIONS

Act means Neb. Rev. Stat. §§ 71-4301 to 71-4307, known as the Swimming Pool Act.

Additional inspections means inspections required to determine if violations discovered in previous inspections have been corrected.

Bathhouse means any building adjacent to the swimming pool used by the swimmers and bathers for changing clothes. The term "bathhouse" includes accompanying bather preparation facilities.

Boundary line means a line between the shallow and deep areas marked in contrasting color and at least four inches wide on the floor and walls of the pool, and by a safety rope and floats equipped with float keepers. Safety rope anchors must be recessed.

Certificate of competency means a certificate obtained as a result of attendance and successful completion, as shown by passing a test, of a swimming pool operator's training clinic sponsored by the Department.

Certified pool operator means (1) an individual with a current certificate of competency or (2) an individual who has successfully completed the Certified Pool Operator/Spa Operator course approved by the National Swimming Pool Foundation, the Aquatic Facility Operator course approved by the National Recreation and Park Association, or an equivalent course approved by the Department, and who maintains certification as required by the approving organization.

Class A pool means a pool operated by a municipality, political subdivision, or governmental agency; or a pool intended for use for accredited competitive aquatic events such as Federation Internationale de Natation, U.S. Swimming, U.S. Diving, National Collegiate Athletic Association, National Federation of State High School Associations, etc.

Class B pool means a swimming pool operated at a facility including, but not limited to, an apartment, a condominium, a property owner association, a child care facility, a health club, lodgings such as hotels and motels.

Class C pool means a spa.

Class D pool means a wading pool.

Deck means the area surrounding a pool, which is specifically constructed or installed for use by bathers.

Deep area means those areas of a swimming pool where the water is more than five feet deep.

Department means the Department of Health and Human Services Regulation and Licensure.

Drop slide means a slide that discharges to a pool with a drop more than two inches to the water surface.

Main drain means the outlet(s) at the deepest part of the swimming pool.

Owner means the owner or the owner's representative.

Patron means a person using the swimming facility at a public swimming pool. Patron also means a bather or swimmer.

Patron load means the maximum number of persons that may use the pool at one time.

Person means any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community, government agency, club, organization, or other entity owning or operating a swimming pool as defined in Neb. Rev. Stat. § 71-4301.

Spa means a specific type of swimming pool, such as a hot tub or whirlpool designed for recreational use which is designed not to be drained, cleaned, and refilled after each individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof.

Special purpose pool means a pool that is operated for special purposes and incorporates features distinguishing it from a traditional swimming pool. Special purpose pools include, but are not limited to, wave pools, zero depth pools, water slide splash pools, lazy river rides, and spray parks with fountains and/or other interactive water features.

Spray park means a special purpose pool providing recirculated water to spray features with no standing water accessible to pool patrons.

Substantial modification or improvement means addition of a spa to an existing swimming pool,

construction that changes the depth, shape, piping, pumping, or other basic design features of a public swimming pool in a manner that affects pool patron safety or recirculation system design, changes a pool's deck, changes the basic design of a diving board, or adds a special feature. Work not considered a substantial modification or improvement includes maintenance and repairs.

Swimming pool means any artificial basin of water modified, improved, constructed, or installed solely for the purpose of public swimming, wading, diving, recreation, or instruction. Swimming pool includes, but is not limited to, a pool serving a community, a subdivision, an apartment complex, a condominium, a club, a camp, a school, an institution, a park, a manufactured home park, a hotel, a motel, a recreational area, or a water park. Swimming pool includes a spa, hot tub or whirlpool or similar device which (1) is designed for recreational use and not to be drained, cleaned and refilled after each individual use and (2) may consist of elements, including, but not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Swimming pool does not include an artificial lake, a pool at a private residence intended only for the use of the owner and guests, or a pool operated exclusively for medical treatment, physical therapy, water rescue training, or training of divers.

Variance means written approval from the Department for a change in pool management or operation that does not conform to the requirements in 178 NAC 2.

Wading pool means a pool that is no more than 24 inches deep that is primarily intended for use by young children.

Waiver means written approval from the Department to not meet the requirements of 178 NAC 2 for operational or management issues.

Wave pool means a special-use pool with wave generating equipment and a design which provides for control of the waves within the side walls and dissipation of the waves at a zero depth shallow end.

Zero-depth pool means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter. This definition does not include wading pools.

2-003 PERMIT REQUIREMENTS AND PROCEDURES: Before operating or maintaining a swimming pool, a person must apply for and obtain an operating permit from the Department. The permit is not transferable and must be renewed annually. The permit expires at midnight of March 31 of each year unless otherwise suspended or revoked. The permit must be conspicuously posted on the pool premises.

2-003.01 Application: The owner or operator of a pool facility must apply for an operating permit on a form provided by the Department, as attached and incorporated into these regulations.

2-003.02 Schedule of Fees Effective through June 30, 2004

2-003.02A The owner of each swimming pool licensed by the Department shall pay a fee of \$3.00 to obtain an annual license to operate such pool.

2-003.02B Individuals and operators who are tested at swimming pool operator clinics conducted by the Department shall pay an examination and certification fee of \$9.00.

2-003.02C The owner or operator of any Class B swimming pool inspected by the Department or any Class A swimming pool except those owned by a municipal corporation, shall pay a fee of \$57.00 for each initial routine inspection conducted by the Department and a fee of \$57.00 for each necessitated additional routine inspection conducted by the Department. (Additional routine inspections shall be classified as those which are required to determine if violations which were discovered in previous inspections have been corrected.)

2-003.03 Schedule of Fees Effective July 1, 2004 and thereafter.

2-003.03A Permit Fee: A fee of \$40 to obtain an annual operating permit must be paid by the owner of the pool.

2-003.03B Inspection Fee: A fee of \$60 for each initial inspection and a fee of \$60 for each necessary additional inspection conducted by the Department must be paid by the owner or operator of any Class A or Class B swimming pool, wading pool, or spa inspected by the Department. Class A pools owned by a municipal corporation are exempt from inspection fees.

2-003.03C Examination and Certification Fee: Individuals and operators who are tested at swimming pool operator clinics conducted by the Department must pay an examination and certification fee of \$40. The certificate is good for 2 years.

2-003.03D Certification of Permit/Certificate Fee: A fee of \$25 must be paid to the Department for issuance of a certification of an operating permit or pool operator certificate.

2-003.03E Verification of Permit/Certificate Fee: A fee of \$5 must be paid to the Department for verification of an operating permit or pool operator certificate. The verification includes written confirmation as to whether a permit or certificate was valid at the time the request was made.

2-003.03F Duplicate Permit/Certificate Fee: A fee of \$10 must be paid to the Department for a duplicate operating permit or pool operator certificate.

2-003.02G Time of Payment

1. The permit and initial inspection fees must be paid at the time the application is submitted.
2. Fees for additional inspections or water quality inspections must be paid within 30 days of inspection.
3. Operator certification fees must be paid before issuance of the operator certificate.

2-003.03H Method of Payment: The Department will accept payment by personal or certified check, cashier's check, money order, or currency. Checks should be made payable to the "Nebraska Department of Health and Human Services Regulation and

Licensure". Payments made in currency, until properly receipted, are not the responsibility of the Department. The Department will not accept payments made in stamps, foreign currency, or third party endorsed checks.

2-003.03I Refunds: The Department will not refund any fee paid for which the applicable service has been performed except in cases of mistake or fraud.

2-003.03J Penalties: Failure to pay the specified fees for the permit and/or inspection of a swimming pool constitutes cause for the denial, suspension, revocation or refusal

of renewal of the operating permit. Failure to pay the fee for obtaining certification as a pool operator will result in the denial of the operator certificate.

2-004 GENERAL REQUIREMENTS

2-004.01 Inspections: The Department is required by Neb. Rev. Stat. § 71-4305 to conduct annual inspections of every swimming pool. The Department will conduct any inspections it deems necessary to insure compliance with all provisions of 178 NAC 2. The Department has the right of entry at any reasonable time to the swimming pool and accompanying facilities for this purpose. The owner or operator of any swimming pool must submit operation and analytical records as requested at any time by the Department to determine the sanitary and safety condition of the pool.

2-004.02 Variances and Waivers: A variance or a waiver must be requested in writing to the Department 30 working days before the operational item is implemented. The Department will not approve a variance or a waiver if the requested item poses an increased public health or safety risk. Requests for variance or waiver will be approved or disapproved on a case-by-case basis.

2-004.02A Variances: The Department may grant a variance from 178 NAC 2 upon demonstration that the pool's operation and management meet the intent of the Act and are substantially equivalent to the standards in 178 NAC 2. The variance request must include proof of the alleged equivalency and arguments deemed appropriate by the requesting party and/or the Department.

2-004.02B Waivers: The Department may grant a waiver to an existing swimming pool in operation prior to the effective date of these regulations that does not fully comply with 178 NAC 2. If a waiver is granted, the pool may continue in use as long as there are no significant health or safety risks. The pool must be operated and maintained as approved by the Department.

2-005 POOL OPERATING STANDARDS

2-005.01 Safety Requirements: The following safety requirements must be met at all pools unless otherwise indicated.

1. No food or drink of any kind, except water in unbreakable containers, must be permitted in the swimming pool. Food and beverages are permitted on the deck if they are in unbreakable containers.

2. In Class A and Class B pools, the boundary line between the shallow (less than 5 feet) and deep (greater than 5 feet) areas of the pool must be clearly marked.
3. The main drain cover or grate must be a color contrasting with the background.
4. Water depth must be plainly marked at or above the water surface on the vertical pool wall and on the edge of the deck at maximum and minimum points of break between the deep and shallow portions and at intermediate increments of depth, spaced at no more than 25-foot intervals. Depth markings must be in numerals at least 4 inches high and in a color contrasting with the background. Where depth markings cannot be placed on the vertical walls above the water level, or space does not allow 4-inch letters, other means must be used so that markings are plainly visible to persons in the pool.
5. Each lifeguard, where required, must have within arm's reach a rescue tube equipped with a 6-foot-long strap or tow rope. Class B pools must provide either a rescue tube or a ring buoy, United States Coast Guard approved, or its equivalent, with an attached rope at least as long as the width of the pool;
6. Class B pools must provide a shepherd's crook type of pole having blunted ends with a minimum length of 12 feet;
7. Class A pools must have a backboard equipped with at least three straps.
8. Each pool must have a first aid kit which contains the following materials –
 - a. 3 units triangular bandage
 - b. 2 units 1" tape
 - c. 6 units 3" x 3" plain gauze pad
 - d. 2 units 2" x 6 yds. gauze roller bandage
 - e. 1 unit tweezer, bandage scissor
 - f. 1 unit Red Cross First Aid Book or an equivalent substitute
 - g. 1 unit assorted bandages, such as Band-aids
 - h. 1 unit latex-free gloves (or equivalent)
 - i. 1 unit rescue breathing face shield or mask
 - j. 1 unit emergency response pack for cleaning up blood
9. Lifesaving equipment must be mounted in conspicuous places, accessible, its function plainly marked, and kept in repair and ready condition. Bathers or others must not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location.
10. All Class A, B, and C pools must have an accessible telephone with emergency telephone numbers prominently posted.
11. All Class A swimming pools must conduct drills in handling emergencies at appropriate intervals.
12. The pool owner or the certified operator must immediately notify the Department of any drowning or near drowning. Any accident occurring on the pool premises requiring hospitalization or medical treatment must be reported within 24 hours.
13. Footbaths are prohibited.
14. Ladders, ladder rungs, ramps and handrails must be securely anchored.
15. Gates for fences separating wading pools, spas and swimming pools within the perimeter fence must not be locked.
16. A thermometer must be located in each spa.
17. Chemical safety
 - a. Chemicals that are toxic or irritating to humans must not be added to a swimming pool from the deck of the pool while the pool is in use. This includes, but is not limited to, disinfectant chemical, pH control chemical,

- algaeicide, and shock treatment chemical. When chemical additions are made from the deck, The pool operator must follow the manufacturer's instructions for proper use of the product. The operator must test the water as appropriate before allowing use of the swimming pool. The chemical addition and the test results must be recorded in the swimming pool records.
- b. Chemical storage containers must be clearly labeled and treatment chemicals must be stored and handled in accordance with the manufacturer's recommendations.
 - c. Material safety data sheets (MSDS) for the chemicals used at the pool must be at the facility in a location known and readily accessible to the facility staff.
 - e. A warning sign stating "AUTHORIZED PERSONNEL ONLY" must be placed on the door of rooms where chemicals are used or stored, or where bulk containers are located.
 - f. Where chlorine gas is used, chlorine cylinders and proportioning equipment must be housed in a separate, well-ventilated enclosure. This enclosure must have a vent at floor level which terminates out-of-doors and must contain:
 - (1) An approved scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period and to permit the operator to know when the supply of chlorine in the cylinder is nearing exhaustion;
 - (2) An ammonia fume dispenser bottle to be used to check for chlorine leaks;
 - (3) Provisions to secure all full and empty chlorine cylinders to the scale or to the walls to prevent accidental tipping;
 - (4) An approved chlorine cylinder valve stem wrench. This wrench must be maintained on the valve stem of the cylinder(s) in use so that the chlorine supply can be shut off quickly in the case of an emergency; and
 - (5) Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.

2-005.02 Water Quality: Failure to meet any standard in 178 NAC 2-005.02A-E is grounds for immediate closing of the swimming pool.

- 2-005.02A The water must be sufficiently clear at all times so the main drain cover or grate is readily visible in the deepest portion of the swimming pool.

2-005.02B The water must be free from all scum and floating matter on the surface and from dirt and other materials or objects on the swimming pool.

2-005.02C If a chlorine chemical is used for disinfection, the water must be tested for combined chlorine at least once each week the swimming pool is open for use. The combined chlorine must not exceed 0.5 parts per million (ppm).

2-005.02D Disinfectants

2-005.02D1 Swimming pools using chlorine as a disinfectant must maintain a free chlorine residual of at least 2.0 ppm in all parts of the pool. Wading pools, spray parks, and spas using chlorine as a disinfectant must maintain a free chlorine residual of at least 3.0 ppm.

2-005.02D2 Swimming pools using bromine as a disinfectant must maintain a total bromine residual of at least 2.0 ppm in all parts of the pool. Spas, and wading pools and spray parks using bromine as a disinfectant must maintain a total bromine residual of at least 4.0 ppm.

2-005.02D3 A swimming pool must be closed until minimum levels are met if the free chlorine residual is less than 2.0 ppm or the total bromine residual is less than 2.0 ppm. A spa, wading pool or spray park must be closed until minimum levels are met if the free chlorine residual is less than 3.0 ppm or the total bromine residual is less than 4.0 ppm.

2-005.02D4 A swimming pool, must be closed if the free chlorine residual exceeds 10.0 ppm or the total bromine residual exceeds 18 ppm.

2-005.02D5 The Department will accept other disinfecting materials or methods when it has been adequately demonstrated that they provide a satisfactory residual which is easily measured and that they are otherwise equally effective under conditions of use as is the chlorine concentration specified in 178 NAC 2-003.08D1, create no objectionable physiological effects, are not dangerous to public health, and do not impart toxic properties to the water.

2-005.02E The water must be maintained in an alkaline condition as indicated by a pH of not less than 7.2 and not over 7.8.

2-005.02F The total alkalinity of the water must be maintained at a minimum of 80 ppm.

2-005.02G In pools where cyanurates are used, the cyanuric acid levels must be below 100 ppm.

2-005.03 Required Testing and Recordkeeping: The following records must be kept for at least one year.

2-005.03A Daily Records and Tests: Daily records must document patron load totals, amounts of chemicals used, and maintenance or any malfunction of equipment. Daily records must also document the following tests, which must be done every day –

1. The disinfectant residual must be tested before opening and then at intervals not longer than four hours until closing time. If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of the disinfectant residual, the operator may make visible readings of the disinfectant residual and record them. The swimming pool water must be tested manually by means of a DPD test, FAS-DPD test, or equivalent at least once per day before opening. The

- operator must specify in the pool records which test is from the automatic controller and which is done manually.
2. The pH of the water must be tested each day by means of a phenol red test or equivalent before opening and then at least every four hours until closing time. If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of pH, the operator may make visible readings of the pH and record them. The swimming pool water must be tested manually at least once per day before opening. The operator must specify in the pool records which test is from the automatic controller and which is done manually. The pH instrumentation must be calibrated periodically according to the manufacturer's instructions if the readout is to be used to supplement manual pH readings.

2-005.03B Weekly Records and Tests: Records must document the following tests, which must be done every week –

1. Total alkalinity; and
2. Cyanuric acid level (where applicable).

2-005.04 Testing Equipment: Each swimming pool must maintain in its possession at least the following testing equipment:

2-005.04A Chlorine/Bromine Test Kit, DPD (Diethyl-P-Phenylene Diamine) Test Kit, or FAS-DPD (Ferrous Ammonium Sulfate-Diethyl-P-Phenylene Diamine) Test Kit: Where chlorine is used, a scale of 1-10 ppm must be used measure the free and combined chlorine residuals. Appropriate dilution of a sample is permitted to measure chlorine when using a kit with a scale of 1-5 ppm. If other halogens are used, an appropriate scale must be provided. Electronic residual monitoring devices may be used in addition to the test kit.

2-004.05B pH Test Kit: A pH test kit with a range from 7.0 to 8.0, accurate to the nearest 0.2 pH unit.

2-004.05C Alkalinity Test Kit: The alkalinity test range must be at least 60 to 400 parts per million (mg/L) as CaCO_3 .

2-004.05E Cyanuric Acid Test Kit: Where cyanurates are used, a test kit to measure the cyanuric acid concentration must be provided. It must permit readings to at least 100 parts per million (mg/L) with maximum increments of 25 parts per million (mg/L).

2-006 POOL STAFF AND SUPERVISION STANDARDS

2-006.01 Every Class A swimming pool must be under the direct and immediate supervision of a certified pool operator whenever the pool is open.

2-006.02 Proof of certification must be available in the office of the facility.

2-006.03 Every Class B swimming pool must be under the supervision of a capable individual who must be held responsible for compliance with 178 NAC 2.

2-006.04 Lifeguards:

2-006.04A Certification: Lifeguards must be currently certified by –

1. The American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, the Boy Scouts of America, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. If a certification was issued with restrictions, the certification must be appropriate for the duty to which the lifeguard is assigned; and
2. The American Heart Association, the National Safety Council, the American Red Cross, or another nationally recognized organization. The certification course must include infant, child, and adult cardiopulmonary resuscitation (CPR), two-person CPR, and the use of a bag valve mask and a rescue breathing mask.

2-006.04B Every Class A swimming pool must have on duty whenever the pool is open, 1 lifeguard per 100 bathers or 2,000 square feet of water surface area, whichever is the lesser number. The number of lifeguards on duty must be sufficient to permit periodic relief or rest periods.

2-006.04C A lifeguard must not simultaneously guard more than one pool unless the area under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed.

2-006.04D A lifeguard must be in position to view all areas of the pool.

2-006.04E A lifeguard must wear a distinguishing swim suit or emblem while on duty.

2-006.04F At water slides or drop slides, one lifeguard is required within 50 feet of the discharge point of the slide. This lifeguard must be responsible for guarding the plunge area for the slide and no other areas and must be in voice or visual communication with the attendant or lifeguard at the top of the slide. One lifeguard may monitor up to three slides and no other areas if they are adjacent to and discharge to the same plunge area.

2-006.04G Class A pools where swimming classes or swimming meets are conducted are exempt from the lifeguard requirement during classes or meets, if the class or meet in session is under the direct supervision of an individual responsible for supervising the group and capable of taking the necessary actions in the case of an emergency.

2-007 PHYSICAL PLANT STANDARDS

2-007.01 Lifeguard Chairs

2-007.01A All Class A swimming pools, and those Class B swimming pools which elect to have a lifeguard on duty, must provide a lifeguard chair for each 2,000 square feet of water surface area.

Water Surface Area
in Sq. Ft. (meters)

Minimum Number
of Chairs

Less than 2,000 (<186)	0
2,000 to 3,999 (187-372)	1
4,000 to 5,999 (373-557)	2
6,000 to 7,999 (558-743)	3

2-007.01B At least one chair must be located so the lifeguard is able to maintain surveillance of all pool floor area having a depth of 5 feet or greater,

2-007.01C All lifeguard chairs must be –

1. Located so the guard is not required to protect a segment greater than 180 degrees;
2. Placed at waterside in locations to minimize the effect of glare on the water;
3. Placed to give complete coverage of the pool(s).

2-007.02 Signs: All pool regulations must be stated on signs with clear, legible print.

2-007.02A At Class B swimming pools, stand-alone spas, and stand-alone wading pools where lifeguard service is not continuously provided, a warning sign must be placed in plain view of the user and must state: "WARNING – NO LIFEGUARD ON DUTY", in letters at least four inches high, and "CHILDREN UNDER THE AGE OF 16 MUST NOT USE POOL WITHOUT AN ADULT IN ATTENDANCE" in letters at least two inches high. "SPA" or "POOL OR SPA" must be substituted for "POOL" in the above sign, where appropriate.

2-007.02B Pool regulations must be conspicuously posted in the swimming pool area, or in the dressing rooms at all swimming pools, including wading pools. Signs must have the title "Pool Regulations" in letters at least four inches high and must list the following regulations –

- No person is permitted to use the pool without first having taken a warm water shower, using soap.
- No person having an obvious communicable disease, skin eruption, cut, sore or lesion, eye, ear, nose, or throat infection, is permitted to use any public swimming pool.
- Spitting or spouting of water, blowing the nose, or any other similar activities in the swimming pool is strictly prohibited.
- No running, boisterous or rough play, except supervised water sports, is permitted in the pool, or on the runways, diving boards, floats, platforms, or in the dressing rooms.
- Maximum patron load is ____ persons.

2-007.02C Spa regulations must be conspicuously posted in the spa area. Signs must have the title "Spa Regulations" in letters at least four inches high and must list the following regulations –

- No person is permitted to use the spa without first having taken a warm water shower, using soap.

- Pregnant women, elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor.
- Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure.
- Do not use at water temperatures greater than 104 degrees Fahrenheit (40°C).
- Do not use alone.
- Unsupervised use by children under the age of 16 is prohibited.
- Enter and exit slowly.
- Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay.
- Long exposure may result in nausea, dizziness, or fainting.
- Keep all breakable objects out of the area.
- Maximum patron load is ____ persons.

2-007.03 Bathhouses: All Class A pools must have a bathhouse.

2-007.03A Bathhouses must be kept in good repair and kept free from dirt and algae. They must be kept clean at all times and disinfected at least once each day.

2-007.03B Liquid or powdered soap dispensers must be provided. Glass soap dispensers and bar soap are not acceptable.

2-007.03C All bathing suits and towels furnished to bathers must be thoroughly washed with detergent and water, thoroughly rinsed, completely dried, and stored in a clean place after each use.

2-007.03D Showers must supply water at a temperature of at least 90 degrees Fahrenheit (32° C.) and no more than 115 degrees Fahrenheit (46° C.). Lavatories must supply water at a temperature of at least 90 degrees Fahrenheit and no more than 115 degrees Fahrenheit (46° C.). Single temperature showers must supply water at a temperature of at least 90 degrees Fahrenheit (32° C.) and no more than 105 degrees Fahrenheit (41° C.).

2-008 DENIAL, SUSPENSION, OR REVOCATION OF PERMIT; POOL CLOSING

2-008.01 The Department may deny, suspend, or revoke any permit for construction or operation of a swimming pool for –

1. Failure to comply with any provisions of the Act or its related regulations (178 NAC 2 and 178 NAC 4); or
2. Nondisclosure, misrepresentation, or deliberate misstatement of a material fact in the application for permit.

2-008.02 Before a permit is denied, suspended, or revoked, the Department will send a written notice to the applicant or permit holder enumerating instances of failure to comply with the Act or its related regulations, or of the nature of the invalidity of the original application for a permit. If the permit is denied, suspended, or revoked, the person may request a hearing before the Department within 10 days of receipt of notice of denial, suspension, or

revocation. On the basis of the hearing, the Department will affirm or revoke its previous action.

2-008.03 The denial, suspension, or revocation of the permit will terminate and the permit will be issued or reissued, as the case may be, upon proper application and upon the presentation of evidence sufficient to show that the deficiencies and the unsafe or unsanitary conditions causing the denial, suspension, or revocation have been corrected.

2-008.04 Whenever the Department finds that a swimming pool is being constructed, improved, altered, equipped, operated, or maintained in violation of any of the provisions of the Act or its related regulations, the Department may grant a reasonable amount of time, in its opinion, to change or modify the construction or provide for the proper equipment, operation, and maintenance needed to bring the pool into compliance with the Act and its related regulations.

If the Department, upon inspection and investigation of a swimming pool, finds conditions that warrant prompt closing of the pool, the Department must notify the owner and operator that the pool must be closed. The Department may also provide written notice to the sheriff and the county attorney of the county in which the pool is located. It is the duty of the sheriff and county attorney to enforce the notice from the Department. If and when the owner or operator of the pool has, in the opinion of the Department, met the provisions of the Act and its related regulations, the Department may authorize in writing the re-opening of the pool.

EFFECTIVE DATE
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Nebraska Health & Human Services
Regulation & Licensure
Public Health Assurance

APPLICATION
TO OPERATE A SWIMMING POOL

Pool Physical Address:

Pool Telephone: _____

Pool Mailing Address:

Phone: _____

County: _____

Directions to Pool: _____

INSTRUCTIONS:

1. All swimming pools as defined by 71-4301 R.R.S. 1943, are required to have a license to operate.
2. Refer to the Swimming Pool Rules and Regulations, or call (402) 471-0903 for assistance.
3. Return to HHS Regulation and Licensure, Consumer Health Services, Sanitation Program, P.O. Box 95007, Lincoln, NE 68509-5007.

Note: Class A pools must have a certified pool operator who is 19 years of age or older (See Rules and Regulations) All Class B pools in Douglas and Lancaster Counties must have a certified pool operator according to each cities regulations.

I have read the rules and regulations relating to Swimming Pools in the State of Nebraska, and will comply with these regulations.

Sign Here _____ **Title** _____ **Date** _____

Office Use Only
Reviewed _____ Class _____
Issued _____
Inspector _____